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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 JERRY WIZAR, ) Case No. CV 15-03717-PSG (KES)  
12 Petitioner, )  
13 vs. ) ORDER ACCEPTING FINDINGS,  
14 STU SHERMAN, Warden, ) AND RECOMMENDATIONS OF  
15 Respondent. ) UNITED STATES MAGISTRATE  
16 JUDGE

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17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended  
18 Petition, Petitioner's Motion for Stay and Abeyance, Respondent's Opposition to  
19 Motion for Stay and Abeyance, Petitioner's Reply to Opposition to Motion for Stay  
20 and Abeyance, Respondent's Sur-Reply to Petitioner's Reply to Opposition to Motion  
21 to Stay, Petitioner's Motion for an Evidentiary Hearing, the other records on file  
22 herein, and the Report and Recommendation of the United States Magistrate Judge.  
23 Petitioner has filed Objections to the Report and Recommendation. Having made a  
24 de novo determination of those portions of the Report and Recommendation to which  
25 Objections have been made, the Court accepts the findings and recommendations of  
26 the Magistrate Judge.

27 IT IS THEREFORE RECOMMENDED that the District Court issue an Order:  
28 (1) approving and accepting this Report and Recommendation; (2) denying

1 Petitioner's request for a stay pursuant to Rhines; (3) denying Petitioner a Kelly stay;  
2 and (4) ordering Respondent to file an Answer to Ground One of the First Amended  
3 Petition within thirty (30) days from the entry of the District Court's Order.

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5 DATED: 06/27/2016



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7 PHILIP S. GUTIERREZ  
8 UNITED STATES DISTRICT JUDGE  
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